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Attorneys for Plaintiff and Counterdefendant  
 ZINUS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ZINUS, INC. a California Corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a  
 Delaware corporation, and DREAMWELL,  
 LTD., a limited liability company of  
 Nevada,

Defendants.

Case No. 07-CV-03012-PVT

**SECOND STIPULATION AND PROPOSED  
 ORDER CONTINUING DEADLINE TO FILE  
 JOINT CLAIM CONSTRUCTION AND  
 PREHEARING STATEMENT**

AND RELATED COUNTERCLAIMS

WHEREAS on December 12, 2007, the Court issued a Case Management Conference  
 Order in which it set a deadline of April 11, 2008 for plaintiff and counterclaim defendant Zinus,  
 Inc. ("Zinus"), defendant and counterclaimant Dreamwell, Ltd. ("Dreamwell") and defendant

1 Simmons Bedding Company (“Simmons”) to file their Joint Claim Construction and Prehearing  
2 Statement; and

3 WHEREAS on April 10, 2008 the parties submitted a Stipulation and Proposed Order  
4 Continuing Deadline to File Joint Claim Construction and Prehearing Statement until April 18,  
5 2008, which was entered by the Court as an Order on April 11, 2008; and

6 WHEREAS the parties have reached an agreement to settle this action, but need a couple  
7 of days to finalize the documentation and get the necessary signatures;

8 THEREFORE, pursuant to Local Rule 6, it is hereby stipulated between Zinus and  
9 Defendants, by and through their respective counsel and subject to the Court’s approval, that the  
10 deadline for filing the Joint Claim Construction and Prehearing Statement may be continued by  
11 one week, from April 18, 2008 to April 25, 2008. All other dates in the case would remain  
12 unchanged.

13  
14 Dated: April 17, 2008

15 **PERKINS COIE LLP**

16 By \_\_\_\_\_/s/\_\_\_\_\_  
17 Kenneth B. Wilson

18 Attorneys for Defendant  
19 SIMMONS BEDDING COMPANY  
20 and Defendant and Counterclaimant DREAMWELL,  
21 LTD.

22  
23 Dated: April 17, 2008

24 **IMPERIUM PATENT WORKS**

25 By \_\_\_\_\_/s/\_\_\_\_\_  
26 Darien K. Wallace

27 Attorneys for Plaintiff and Counterdefendant  
28 ZINUS, INC.

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Darien K. Wallace, hereby attest that concurrence in the filing of this document has been obtained from the other signatory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 17, 2008 in Pleasanton, California.

\_\_\_\_\_  
/s/  
Darien K. Wallace

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Dated: April \_\_, 2008

\_\_\_\_\_  
The Honorable Patricia V. Trumbull  
United States Magistrate Judge